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DETAILED ACTION

1. Claims 1-6, 8, 9, 11-12, 15 and 16 are all the pending claims for this application.
2. Claim 13 was cancelled, and Claim 1 was amended in the Response of 4/15/11.
3. Withdrawn Claim 15 is joined for examination.
4. Claims 1-6, 8, 9, 11-12, 15 and 16 are all the pending claims under examination.

Information Disclosure Statement

5. The IDS of 12/21/10 has been considered and entered. The initialed and signed 1449 form is attached.

Rejections Withdrawn

Claim Rejections - 35 USC § 103

6. The rejection of Claims 1-6, 8 and 16 under 35 U.S.C. 103(a) as being unpatentable over Kitai et al. (Appl. Microbiol. Biotechnol 28(1):52-56 (Mar. 1988); cited in the IDS of 10/9/09) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996)) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) is withdrawn.

Applicants have amended generic Claim 1 in the Response of 4/15/11 to incorporate the subject matter of cancelled Claim 13. Accordingly, the species of constructs are patentably distinct from the prior art.

7. The rejection of Claims 1, 9 and 12 under 35 U.S.C. 103(a) as being unpatentable over Kitai et al. (Appl. Microbiol. Biotechnol 28(1):52-56 (Mar. 1988); cited

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in the IDS of 10/9/09) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996)) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) as applied to claim 1 above, and further in view of Lilly (US 20040053370; filed 5/29/03) is withdrawn.

Applicants have amended generic Claim 1 in the Response of 4/15/11 to incorporate the subject matter of cancelled Claim 13. Accordingly, the species of constructs are patentably distinct from the prior art.

8. The rejection of Claims 1 and 11 under 35 U.S.C. 103(a) as being unpatentable over Kitai et al. (Appl. Microbiol. Biotechnol 28(1):52-56 (Mar. 1988); cited in the IDS of 10/9/09) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996)) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) as applied to claim 1 above, and further in view of Kwon et al. (WO200015661; published 3/23/00) is withdrawn.

Applicants have amended generic Claim 1 in the Response of 4/15/11 to incorporate the subject matter of cancelled Claim 13. Accordingly, the species of constructs are patentably distinct from the prior art.

9. The rejection of Claims 1-6, 8 and 16 under 35 U.S.C. 103(a) as being unpatentable over Andrews et al. (Gene 182:101-109 (1996); cited in the IDS of 1/5/10) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996); cited in the PTO 892 form of 12/4/09) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) is withdrawn.

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Applicants have amended generic Claim 1 in the Response of 4/15/11 to incorporate the subject matter of cancelled Claim 13. Accordingly, the species of constructs are patentably distinct from the prior art.

10. The rejection of Claims 1, 9 and 12 under 35 U.S.C. 103(a) as being unpatentable over Andrews et al. (Gene 182:101-109 (1996); cited in the IDS of 1/5/10) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996); cited in the PTO 892 form of 12/4/09) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) as applied to claim 1 above, and further in view of Lilly (US 20040053370; filed 5/29/03); cited in the Office Action of 12/4/09) is withdrawn.

Applicants have amended generic Claim 1 in the Response of 4/15/11 to incorporate the subject matter of cancelled Claim 13. Accordingly, the species of constructs are patentably distinct from the prior art.

11. The rejection of Claims 1 and 11 under 35 U.S.C. 103(a) as being unpatentable over Andrews et al. (Gene 182:101-109 (1996); cited in the IDS of 1/5/10) in view of Simmons et al. (Nat. Biotech. 14:629-634 (1996)) and further in view of Sytkowski et al. (WO 99/02709; published 1/21/99); cited in the IDS of 10/9/09) as applied to claim 1 above, and further in view of Kwon et al. (WO200015661; published 3/23/00; cited in the PTO 892 form of 12/4/09) is withdrawn.

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Applicants have amended generic Claim 1 in the Response of 4/15/11 to incorporate the subject matter of cancelled Claim 13. Accordingly, the species of constructs are patentably distinct from the prior art.

Claim Rejections - 35 USC § 112, second paragraph

12. The rejection of Claims 1-6, 8, 9, 11, 12 and 16 are indefinite for the recitation "wherein the signal sequence of the overexpressed immunoglobulin constant region is processed;" in Claim 1 is withdrawn.

Applicants have amended generic Claim 1 in the Response of 4/15/11 to incorporate the subject matter of cancelled Claim 13. Accordingly, the species of constructs are patentably distinct from the prior art.

Applicants have amended generic Claim 1 in the Response of 4/15/11 to delete the offending limitation.

Conclusion

13. Claims 1-6, 8, 9, 11-12, 15 and 16 in condition for allowance.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LYNN BRISTOL whose telephone number is (571)272-6883. The examiner can normally be reached on 8:00-4:30, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Misook Yu can be reached on 571-272-0839. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Lynn A. Bristol/
Primary Examiner, Art Unit 1643